

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

SIERRA CLUB,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:10-cv-00835-LA
)	
WISCONSIN POWER AND)	
LIGHT COMPANY,)	
)	
Defendant.)	

**JOINT MOTION TO STAY ALL DISCOVERY AND
SCHEDULING DEADLINES PENDING ENTRY OF
AN ANTICIPATED CONSENT DECREE**

Plaintiff, Sierra Club, and Defendant, Wisconsin Power and Light Company (“WPL”), by counsel (collectively the “Parties”), jointly request that this Court stay all discovery and scheduling deadlines pending the entry of an anticipated Consent Decree related to this matter. In support of this Motion, the Parties state as follows:

1. On December 14, 2009, the United States Environmental Protection Agency (“EPA”) served Defendant, Wisconsin Power and Light Company (“WPL”) with a Notice and Finding of Violation of the Clean Air Act concerning certain activities undertaken at the Columbia, Nelson Dewey and Edgewater Generating Stations.
2. On October 10, December 14, and December 21, 2009, Plaintiff, Sierra Club, served WPL with Notices of Sierra Club’s Intent to Sue WPL for violations of the Clean Air Act concerning certain activities undertaken at the Columbia, Nelson Dewey and Edgewater Generating Stations.

3. On September 9, 2010, Plaintiff filed a Complaint in the Western District of Wisconsin (Cause No. 3:10-cv-00511-WMC) concerning activities allegedly undertaken by WPL at the Columbia and Nelson Dewey Generating Stations.

4. On September 23, 2010, Plaintiff filed its Complaint in the instant matter against WPL concerning certain activities allegedly undertaken at the Edgewater Generating Station.

5. On February 14, 2011, WPL filed its Answer and Motion to Dismiss Plaintiff's Complaint in the instant action.

6. This is a highly complex and technical case. Consequently, the Parties wish to avoid spending significant time and resources of this Court and the Parties on discovery, expert issues, multiple dispositive motions, and other pre-trial matters that may be unnecessary if settlement is reached.

7. Recently, the Parties agreed to a settlement framework/term sheet ("Settlement Framework"), dated December 16, 2011, which outlines the major provisions to be incorporated into an anticipated Consent Decree to be filed in this matter.

8. In accordance with this Court's procedure, the Parties are contemporaneously filing (via hard copy) their Motion to File Under Seal the Settlement Framework referenced above.

9. The Parties to this case are not in complete control of the potential settlement, or its timing, because the EPA is not a party to this case; however, EPA is an important party to any overall settlement.

10. Next week, the Parties therefore intend to present this Settlement Framework to the EPA, and within sixty (60) days thereafter negotiate the final provisions and language of a formal comprehensive Consent Decree to be filed with this Court for its approval, pursuant to the process set forth in 42 U.S.C. § 7413(g) and § 7604(c)(3). Due to the longer approval process sometimes undertaken by the EPA in similar Consent Decree negotiations, the Parties commit to filing a status report with the Court if no Consent Decree is filed by February 15, 2012.

WHEREFORE, the Parties, by counsel, respectfully request that this Court stay all discovery and scheduling deadlines for sixty (60) days (to and including February 15, 2012), so that that the Parties and EPA may finalize and file a proposed Consent Decree. The Parties shall file a status report with the Court if no Consent Decree is filed by February 15, 2012.

Respectfully submitted,

/s/ Robert R. Clark

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